

REGULAR MEETING  
DECEMBER 7, 2016

Board Members Present: Mayor Richard Frost  
Trustee Gary Planty  
Trustee Bryan Woleben  
Trustee Carol Horlacher

Board Member Absent: Trustee Craig Miller

Present: Sonia Luszczak, Village Clerk/Treasurer  
Peter D. Clark., Village Attorney  
Town Councilman Gary Miller  
Tom Allen, DPW Department Head  
Phil Gerace, Fire Chief  
Ann Belcher, Observer  
Bill Moran and Diane Clark

Mayor Frost opened the regular meeting with the pledge to the flag at 6:30 p.m.

**Public Comments:** Bill Moran and Diane Clark who reside and own Greystone Nature Preserve at 8531 Bear Lake Road, Fredonia and have lived in the area since 1999 and own 72 acres of land that joins with the Village. They both attended the meeting to discuss the safety for the participants that come to their Nature Preserve due to lead flying around. Mayor Frost read a resolution that was adopted in 2009 allowing people to hunt on the watershed with restrictions. (see below) Mr. Moran asked the Mayor if the Village would consider changing the signs to include no hunting. Mayor Frost explained to Mr. Moran and Mrs. Clark that the Village Board would take this under consideration as to whether we would remove the resolution allowing hunting. After further discussion Mayor Frost thanked Mr. Moran and Mrs. Clarke for their good work.

RESOLUTION 20-09  
HUNTING ON VILLAGE PROPERTY

BE IT RESOLVED, that hunting will be permitted at the Village of Brocton Watershed

Property during authorized hunting seasons, subject to the following restrictions:

1. There will be no hunting or shooting of animals within 300 feet of the waters edge of the reservoir.
2. There will be no hunting or shooting of animals within 500 feet from any

Buildings on the Village Watershed Property.

3. All hunting must be in strict compliance with all New York State Department of Environmental Conservation and Health Department Regulations.

Resolution introduced by Trustee David Hazelton, second by

Trustee Nicholas Rizzo III, with vote as follows:

4 ayes

0 nays

Dated: February 24, 2009

Karen M. Ardillo  
Village Clerk/Treasurer

**Portland Town Councilman Gary Miller** – The Town of Portland and Mr. Miller wanted to thank the Village Board for changing the Village Election to November. It will save the taxpayers money. There will be an election for two trustee positions held in March of 2017. It will also extend the terms for another 6 months for those who are serving now and the newly elected. Mr. Miller asked if there was anything that the Village Board would like him to take back to Portland Town Board? Mayor Frost noted that we will continue to look at more shared services between the Village and the Town.

#### **Department Reports:**

**Sonia Luszczak, Village Clerk/Treasurer** – The Clerk presented to the Board two new quotes from Brocton PC for the yearly maintenance and service agreement along with the Web Hosting and Office 365. A motion by Trustee Carol Horlacher and second by Trustee Bryan Woleben to accept the quote presented for Monthly Service and Maintenance. After further discussion, the motion was revised to include both quotes. Vote was unanimous, one absent, motion carried. In cleaning out the back cupboards, what was found were 4 ink cartridges. A memo was sent out to all departments to see if anyone still used them. I was given approval to recycle the cartridges.

The Clerk gave an update on the shredding event that was held on November 17<sup>th</sup>. We shredded 16 – 95 pound containers of documents as well as some of the Village residents brought shredding. The Clerk thanked the board for allowing this to happen.

Sonia gave a listing of all the Planning and Zoning members that attended a training conference by Southern Tier West in November.

We received a telephone call from Undersheriff Holder regarding the Enhanced Police Protection contract for 2017. The Clerk placed the current contract in the mailboxes of the Board for their review. After further discussion, it was tabled until the Special Meeting to be held on December 22, 2016.

Sonia asked for approval to change from Municipay to Elavon for accepting credit card payments. Municipay will start charging the Village \$25.00 per month due to low volume. Elavon does not charge any monthly fee and the transaction fee is 2.6 percent of the bill total is paid by the customer. A motion was made by Trustee Carol Horlacher and second by Trustee Bryan Woleben to approve accepting Elavon as the vendor for credit cards. Vote was unanimous, one absent, motion carried.

Received the dog control officer reports for October and November.

The Clerk presented the Sheriff report for November and noted that there were no vehicle or traffic tickets written for the month.

Sonia and Trustee Gary Planty had a discussion as to how we could save money on the daily newspaper that the Village has a subscription. I then asked the Village Attorney if there was any law or rule that a municipality had to receive the newspaper and could not get it online? Per Peter Clark, he was not aware of any rule. It was discussed I would contact the Observer and find out if it was possible to print from online access any notices or articles that would normally be cut out of the paper. It would save the Village \$81.40 a year to view the paper online.

The copier in the office was down with issues and maintenance calls in the past two months. WNY Imaging Systems holds the maintenance agreement with the copier and noted that the copier was older and the parts were getting harder to get. The Clerk presented two quotes to the Board for a new copier and maintenance agreement. After further discussion, it was decided that Trustee Carol Horlacher would help the Clerk investigate other copiers to find one what would be the best fit for the Village. There was discussion that we would like a printer that could be networked throughout the office to save on printing supplies.

**Village Attorney Peter D. Clark** - There will be meeting with the DEC on Monday, December 12, 2016 at 10:30 am.

He is working on getting specifications to demolish 10 East Main Street building.

The engineers and contractors for the MSTA Grant for Main Street Alma Brown from Clinton Brown Architecture will be attending the next Village Board meeting on January 4, 2017 to go over the grant and what they will be doing.

Peter said that the General Code is still working on the Code book.

**Tom Allen, Highway Superintendent** – Tom Allen stated leaf season is over for the year and that all equipment has been set up for the upcoming snow storm.

**Alan Gustafson, Code Enforcement Officer** – presented his report for the month. It has been a standard month. There was an issue with 64 Central Avenue resident that had left garbage all over the property that had been taken over by the bank. This was in court and was dismissed by the Judge. Alan spoke with the owner asking for it to be cleaned up.

The other issue was 1 East Main Street roof. There are skylights and a hole in the roof that must be taken care of as soon as possible so the Village of Brocton does not have another 10 East Main building on the Village hands. Violations were sent to the owner of record to get this fixed.

**Ryan Hazelton - Wastewater Treatment Plant** – There was no report other than there was a pump down at the plant.

**Fire Department – Phil Gerace, Fire Chief** – Handed in the Monthly Activity Report for the month of November.

There will be 2 new EMT's added to the staff of 8 after they complete the final test on Monday.

**Electric Department** – no report.

### **Committee Reports:**

**Trustee Gary Planty** – noted that the AFG Grant was completed and submitted in time for \$52,000.00. The breakdown of the grant would be \$49,500 from FEMA and \$2,500.00 is the Village share. The fire department is looking for turn-out gear and new fire hoses.

Trustee Planty also attended a meeting at the library regarding Northern Chautauqua County Community Foundation Grant that would help with some of the items listed in the Town of Portland Comprehensive plan. There will be another meeting on Thursday, December 8, 2016 at 5 - 6:30 p.m. Trustee Carol Horlacher will be attending this meeting.

Trustee Planty signed the voucher for the cost of the traffic signal at the tunnels on Lake Avenue. Joe Majkowski wanted to let everyone know that he will be getting with Mr. Spoth to get the new control box installed. There was also a voucher for two signs that were installed down at the tunnels that notes to stop here as well as labor to install the lights that the Village covered these costs.

Trustee Planty signed another voucher for 8340.4 Water Trans & Distribution which will make the account over budget due to a couple major breaks. We will need to be mindful of this and that money will need to be transferred to that account.

Mayor Frost stated that there was a water leak in the Village somewhere. Department Head Greg Borst noted that it may be fire hydrant, to which Tom Allen said that this was repaired.

**Trustee Bryan Woleben** –no report.

**Trustee Carol Horlacher** – no report.

**Mayor Report:** Mayor Frost let everyone know the process that is happening at the Water Treatment Plant and the sludge issue. We are using Dirt Bags that water and silt is pumped into the bag and only the water drains with the sludge/silt remaining. The Mayor would like the DEC to see the process of how the Village is removing the sludge. There was a concern that the water would be causing erosion, so it would be best for them to review the process. There is also work being done at the reservoir to locate the intact pipe to see if it is buried in the silt and possibly raise it out of the bottom so that it will no longer pull that in to the water plant.

Mayor Frost wanted to thank Ryan Hazelton, Rich Lewis, Joe Majkowski, and Frank Cole for all their hard work.

After further discussion, this will be reviewed after the DEC meeting being held on December 12, 2016.

**New Business:**

Resolution 76-2016 Approving Board Audit of Justice Court Finances and Records

**RESOLUTION 76-2016**

**APPROVING BOARD AUDIT  
OF JUSTICE COURT FINANCES AND RECORDS**

WHEREAS, Section 2019-A of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings, and

WHEREAS an examination of the Village of Brocton Justice James Craig's records having been examined by Trustee Bryan Woleben and Trustee Craig Miller, and

WHEREAS, the Mayor and board members having reviewed the examination,

BE IT RESOLVED that the Village of Brocton Board of Trustees hereby acknowledges the required examination of the Village of Brocton Justice James Craig's records as submitted by Trustee Bryan Woleben and Trustee Craig Miller and directs the submission of a copy of the examination along with a copy of this resolution to the NYS Office of Court Administration.

Resolution introduced by Trustee Gary Planty, second by Trustee Carol Horlacher with vote as follows:

\_\_3\_\_ ayes

\_\_0\_\_ nays

\_\_1\_\_ absent

Dated: December 7, 2016

Sonia Luszcak  
Village Clerk/Treasurer

Resolution 77-2016 Authorize Mayor's Signature on Contract with Portland Fire Protection District No. 1

RESOLUTION 77-2016

AUTHORIZE MAYOR'S SIGNATURE ON CONTRACT WITH PORTLAND FIRE PROTECTION DISTRICT NO. 1

**WHEREAS** the current Fire Protection agreement between the Village of Brocton and the Town of Portland on behalf of the Portland Fire Protection District No. 1("Portland") will expire effective December 31, 2016, and

**WHEREAS** the Village Board desires to enter into a new agreement for one year under the same terms as the last agreement with Town of Portland which provides for an annual payment of \$57,882.00 for the year 2016, and

**WHEREAS** the new agreement has been approved by Town of Portland and signed by the Supervisor,

**NOW THEREFORE BE IT RESOLVED** that the new one year agreement with Town of Portland for Portland Fire Protection District No. 1 for the term of one year from January 1, 2017 to December 31, 2017 and for an annual payment to the Village of \$57,882 payable on March 1, 2017 is hereby approved, and

**BE IT FURTHER RESOLVED** that said agreement is subject to the approval of the Brocton Fire Department and the Brocton Fire Department Emergency and Rescue and First Aid Squad, and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to sign said agreement on behalf of the Village of Brocton.

Resolution introduced by Trustee Bryan Woleben, seconded by Trustee Gary Planty with vote as follows:

\_\_3\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: December 7, 2016

Sonia Luszczak  
Village Clerk/Treasurer

Resolution 78-2016 Approval to Attend MEUA/NEPPA Lineworker Safety and Training

## RESOLUTION 78-2016

### APPROVAL TO ATTEND MEUA/NEPPA LINEWORKER SAFETY AND TRAINING

WHEREAS Joe Majkowski and Frank Cole have requested approval to attend the Safety Training Classes, sponsored by MEUA in January; April; July; August; October; November; and December, 2017 at the Mayville Fire Hall in Mayville, New York. The schedule of days to arrive at a later date. The registration fee is \$1860.00 per person. Means of travel will be Village Truck. The courses will certify annual training on pole top rescue and qualified electrical personal safety training per OSHA requirements.

NOW THEREFORE BE IT RESOLVED authorization is approved for Joe Majkowski and Frank Cole to attend the safety training classes as listed.

Resolution introduced by Trustee Carol Horlacher, second by Trustee Bryan Woleben with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: December 7, 2016

Sonia Luszczak  
Village Clerk/Treasurer  
Resolution 79-2016 Granting the State of New York Authority

## RESOLUTION 79-2016

### GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

WHEREAS the New York State Department of Transportation proposes the construction, reconstruction, or improvement of US Route 20 over Slippery Rock Creek in the Village of Brocton located in Chautauqua county, Pin 15111.93, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the temporary relocation of 4NPS PVC sanitary force main and the replacement of force main in kind pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project.

NOW, THEREFORE BE IT RESOLVED, that the Village of Brocton approves of the temporary relocation of 4NPS PVC sanitary force main and the replacement of force main in kind and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Brocton will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED, that Ryan Hazelton has the authority to sign, with the concurrence of the Board of Trustees, any and all documentation that may become necessary as a result of this project as it relates to the Village of Brocton, and

BE IT FURTHER RESOLVED that the Clerk of the Village of Brocton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Resolution introduced by Trustee Gary Planty, second by Trustee Bryan Woleben with vote as follows:

\_\_3\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: December 7, 2016

Sonia Luszcak  
Village Clerk/Treasurer

I, Sonia Luszczak, duly appointed and qualified Village Clerk, do hereby CERTIFY that the foregoing resolution was adopted at a meeting held in the office of the Village of Brocton, a quorum being present on the 7<sup>th</sup> day of December, and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this 8<sup>th</sup> day of December.

---

Sonia Luszczak, Village Clerk

Resolution 80-2016 Authorizing Joe Majkowski to enter into agreement with NYSDOT

### RESOLUTION 80-2016

#### AUTHORIZING THE MUNICIPAL OFFICIAL, ELECTRIC LINEMAN, JOE MAJKOWSKI TO ENTER AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS the New York State Department of Transportation proposes the construction, reconstruction, or improvement of US Route 20 over Slippery Rock Creek in the Village of Brocton located in Chautauqua county, Pin 15111.93, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the temporary relocation of a pole, overhead lines and luminaries as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project.

NOW, THEREFORE BE IT RESOLVED, that the Village of Brocton approves of the temporary relocation of a pole, overhead lines and luminaries and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Brocton will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED, that Joe Majkowski has the authority to sign, with the concurrence of the Board of Trustees, any and all documentation that may become necessary as a result of this project as it relates to the Village of Brocton, and

BE IT FURTHER RESOLVED that the Clerk of the Village of Brocton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Resolution introduced by Trustee Bryan Woleben, second by Trustee Carol Horlacher with vote as follows:

\_\_3\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: December 7, 2016

Sonia Luszczak  
Village Clerk/Treasurer

I, Sonia Luszczak, duly appointed and qualified Village Clerk, do hereby CERTIFY that the foregoing resolution was adopted at a meeting held in the office of the Village of Brocton, a quorum being present on the 7<sup>th</sup> day of December, and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this 8<sup>th</sup> day of December.

\_\_\_\_\_  
Sonia Luszczak, Village Clerk

### **Old Business**

A motion was made by Trustee Gary Planty, seconded by Trustee Carol Horlacher to authorize payment of signed approved vouchers. Vote was unanimous, one absent vote, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Gary Planty to approve November 2nd minutes as presented in written form. Vote was unanimous, one absent vote, motion carried.

A motion was made by Trustee Carol Horlacher and second by Trustee Bryan Woleben to approve written reports as presented. Vote was unanimous, one absent vote, motion carried.

A motion was made by Trustee Bryan Woleben and second by Trustee Carol Horlacher to go into executive session at 7:50 pm to discuss a building issue. Vote was unanimous, one absent vote, motion carried.

A motion to enter regular session from executive session at 8:08 p.m. was made by Trustee Bryan Woleben and second by Trustee Carol Horlacher. Vote was unanimous, one absent vote, motion carried. There was one action taken for Trustee Bryan Woleben to contact some roofing companies as there is a water leak on the fire hall roof due to a safety concern.

With no further business brought before the Board, a motion was made to adjourn the meeting at 8:08 p.m. by Trustee Carol Horlacher seconded by Trustee Bryan Woleben. Vote was unanimous, one absent vote, motion carried.

Respectfully submitted by,

Sonia Luszczak  
Village Clerk/Treasurer